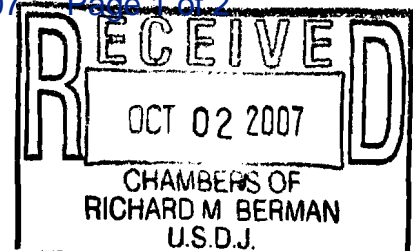


KIRKLAND & ELLIS LLP
AND AFFILIATED PARTNERSHIPS



Maria Ginzburg
To Call Writer Directly:
(212) 446-4694
mginzburg@kirkland.com

Citigroup Center
153 East 53rd Street
New York, New York 10022-4611

212 446-4800

www.kirkland.com

CHAMBERS OF
RICHARD M. BERMAN
U.S.D.J.

Facsimile:
(212) 446-4900
Dir. Fax: (212) 446-4900

MEMO ENDORSED

VIA FEDERAL EXPRESS

The Honorable Richard M. Berman
The Honorable John G. Koeltl
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

October 1, 2007

10/10/07 conference in
cancelled. Judge
Koeltl has graciously
agreed to take this case.

SO ORDERED:
Date: 10/3/07 Richard M. Berman
Richard M. Berman, U.S.D.J.

Re: 07 Civ. 7836
Morgan Stanley & Co. Incorporated v. Michael M. Kownacki
1:07-cv-7836-RMB; Michael M. Kownacki v. Morgan Stanley & Co.
Case No. 1:07-cv-7817-JGK

Dear Judge Berman and Judge Koeltl:

We represent Morgan Stanley & Co. Incorporated and Morgan Stanley DW Inc. (collectively, "Morgan Stanley") in the above referenced cases. Courtesy copies of the relevant pleadings filed in both cases are enclosed. As you'll see from the enclosed, the cases are related and Morgan Stanley requests that the case pending before Judge Berman be reassigned to the first-filed case before Judge Koeltl.

The cases arise out of a NYSE Arbitration filed against Morgan Stanley DW Inc.¹ by Mr. Kownacki in October 2003. On June 4, 2007, after a fourteen day arbitration, the three-member panel entered an award of \$125,000 plus interest in Mr. Kownacki's favor. Accordingly, the 90-day deadline for Mr. Kownacki to file and serve a motion to vacate under the Federal Arbitration Act was September 4, 2007. On September 5, 2007, not having been served with a motion to vacate, Morgan Stanley filed a petition to confirm the award. That case was assigned to Judge Berman.² Thereafter, on September 21, 2007, Morgan Stanley was served with a copy of a

¹ On April 1, 2007, Morgan Stanley DW Inc. ("MSDW") was merged into Morgan Stanley & Co. Incorporated, an affiliated broker dealer. Because MSDW no longer exists as a separate entity, Morgan Stanley & Co. Incorporated filed the petition to confirm.

² Mr. Kownacki was served personally with Morgan Stanley's petition on September 11, 2007, but has not yet opposed it.

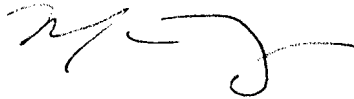
KIRKLAND & ELLIS LLP

The Honorable
October 1, 2007
Page 2

motion to vacate that was previously filed by Mr. Kownacki *pro se* on September 4, 2007 -- the day before Morgan Stanley filed its petition to confirm. That case was assigned to Judge Koeltl.

Morgan Stanley intends to file an opposition to Mr. Kownacki's motion on October 5, 2007 as well as a cross-petition to confirm the arbitration award for the reasons set forth in its September 5 petition. We submit that it does not make sense to have two separate petitions to confirm the same arbitration award pending before two separate judges. We therefore request that, in the interest of judicial efficiency, Case No. 1:07-cv-7836-RMB, be transferred to Judge Koeltl, to whom the first-filed action was assigned. We further request that the October 10, 2007 case management conference before Judge Berman be cancelled if this matter is to proceed before Judge Koeltl.

Sincerely,

A handwritten signature in black ink, appearing to read 'Maria Ginzburg', with a stylized, flowing script.

Maria Ginzburg

MG

Enclosures

cc: Michael Kownacki